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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN ADENA, Deceased, by and through his Co-
Successors in Interest, CIRCE ADENA and
RICHARD ADENA; CIRCE ADENA, Individually,
and RICHARD ADENA, Individually,

Plaintiffs,

vs.

SHASTA COUNTY, a public entity; SHASTA
COUNTY SHERIFF-CORONER TOM BOSENKO,
in his individual capacity; CAPTAIN DAVE KENT;
SHASTA COUNTY JAIL DEPUTIES KIRK
SCHRITTER, DEVIN HURTE, DEPUTY DIAZ,
EMMANUAL ALCAZAR, ZACHARY
JURKIEWICZ, JOSEPH GRADY, NATHANIAL
NEVES, HECTOR CORTEZ; CALIFORNIA
FORENSIC MEDICAL GROUP, INC., a California
Corporation; WELLPATH MANAGEMENT, INC., a
Delaware Corporation; WELLPATH LLC, a
Delaware Limited Liability Company; TRACY
LEWIS, L.M.F.T.; PAM JOHANSEN, L.C.S.W.;
DANIEL DELLWO, P.A.; and DOES 1–20;
individually, jointly and severally,

Defendants.

Case No. 2:21-cv-00770-MCE-DMC

**STIPULATION AND ORDER TO
MODIFY PRETRIAL
SCHEDULING ORDER (Doc. 45)**

1 All parties, by and through their counsel of record, stipulate and hereby move this Court to
2 modify the Scheduling Order (Doc. 45). Good cause exists to grant the requested extension:

3 1. This is a complicated wrongful death civil rights case involving Shasta County jail
4 deputies and Wellpath correctional health care personnel. The case involves seventeen named
5 Defendants represented by two separate law firms. The parties are represented by experienced
6 counsel who have worked together before on several cases, and counsel have worked cooperatively
7 throughout the litigation they have handled together.
8

9 2. On August 11, 2023, Plaintiffs filed a First Amended Complaint naming an
10 additional medical corporation, California Forensic Medical Group, Inc., as a defendant. On
11 November 1, 2023, the Wellpath Defendants moved to dismiss Plaintiffs' First Amended
12 Complaint. The motion was submitted on the papers and is currently pending.

13 3. The parties have engaged in extensive written discovery and have resolved several
14 discovery disputes through meet and confer efforts. Multiple Shasta County Defendants and
15 deputies as well as Plaintiffs Richard Adena and Circe Adena have been deposed. Plaintiffs have
16 noticed the depositions of additional deputies, the medical defendants, several 30 (b)(6) witnesses,
17 and percipient witnesses over the next 6 weeks. In addition, Plaintiffs are meeting and conferring
18 concerning financial condition discovery from the Wellpath Defendants related to their punitive
19 damages claims, and a motion to compel may be necessary to resolve that issue.
20

21 4. Plaintiffs' co-lead counsel, Michael J. Haddad, requires surgery and will be unable to
22 work from May 13, 2024 through at least May 31, 2024. Plaintiffs' counsel, Mr. Haddad and Julia
23 Sherwin are married, and Ms. Sherwin plans to provide home post-operative care for Mr. Haddad
24 from May 13, 2024 through at least May 24, 2024.
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5. In addition, Mr. Haddad's mother was very ill and Mr. Haddad and Ms. Sherwin had to fly to Detroit several times in recent months to be with her. She died on April 13, 2024, and Plaintiffs' counsel must go to Detroit for her funeral on April 25 and 26, 2024.

6. The parties have had difficulty scheduling several depositions of parties, witnesses, and Rule 30(b)(6) "PMK" designees and continue to meet and confer to find mutually available dates in June and July. Some of those PMK depositions concern Wellpath's financial information, and, again, the discoverability of that information may need to be addressed by the court before those depositions can take place.

7. The parties jointly request the deadlines be briefly continued to allow the parties additional time to complete the remaining anticipated discovery and depositions on dates that work for all counsel and the witnesses, to allow the experts time to complete their review of deposition transcripts before writing their reports, and to allow sufficient time for pretrial preparation.

8. The parties therefore stipulate to a brief continuance of the dates in this matter as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Close of Fact Discovery	June 21, 2024	August 23, 2024
Expert Disclosures due	August 9, 2024	October 11, 2024
Rebuttal Expert Disclosures	September 20, 2024	November 6, 2024
Joint Notice of Trial Readiness (if no dispositive motions)	October 31, 2024	December 20, 2024
Dispositive Motion filing deadline	November 29, 2024	January 24, 2025

For the foregoing reasons, the parties respectfully request that this Court enter an Order modifying the schedule in this case as set forth above.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2
3 Dated: April 29, 2024

HADDAD & SHERWIN LLP

4
5 /s/ Michael J. Haddad

6 MICHAEL J. HADDAD
Attorneys for Plaintiffs

7
8 Dated: April 29, 2024

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

9
10 /s/ Lynn Carpenter

11 LYNN CARPENTER
12 MILDRED K. O'LINN
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13 SHASTA COUNTY; SHERIFF-CORONER TOM
14 BOSENKO; SHASTA COUNTY JAIL CAPTAIN
DAVE KENT; DEPUTIES KIRK SCHITTER,
15 DEVIN HURTE, OMAR DIAZ, EMMANUEL
16 ALCAZAR, ZACHARY JURKIEWICZ, JOSEPH
GRADY, NATHANIAL NEVES, and HECTOR
17 CORTEZ

18 Dated: April 29, 2024

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19
20 /s/ Allison Becker

21 LINDSEY M. ROMANO
ALLISON BECKER
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22 CALIFORNIA FORENSIC MEDICAL GROUP,
23 INC., WELLPATH MANAGEMENT, INC.,
WELLPATH LLC; TRACI LEWIS, L.M.F.T; PAM
24 JOHANSEN, L.C.S.W.; DANIEL DELLWO, P.A.


ORDER

Based on the parties' stipulation, and with good cause appearing, IT IS HEREBY ORDERED that the Pretrial Scheduling Order (Doc. 45) is modified as follows:

<u>Event</u>	<u>New Date</u>
Close of Fact Discovery	August 23, 2024
Expert Disclosures due	October 11, 2024
Rebuttal Expert Disclosures	November 20, 2024
Joint Notice of Trial Readiness (if no dispositive motions)	December 20, 2024
Dispositive Motion filing deadline	January 24, 2025

IT IS SO ORDERED.

Dated: May 3, 2024


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE